

REMARKS/ARGUMENTS

Claims 1, 3-6, 17, 19-22, 33, and 35-38 are pending. Non-elected claims 11-16, 27-32, and 43-48 were previously cancelled.

Applicants thank the Examiner for indicating that claims 1, 3-6, 17, 19-22, 33, and 35-38 are allowed. Applicants have cancelled rejected claims 7-10, 23-26, and 39-42 to expedite issuance of the allowed claims 1, 3-6, 17, 19-22, 33, and 35-38.

Claims 7-10, 23-26, and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Infante (U.S. 2004/0078632) in view of Golasky (US 2005/0188239) and further in view of Shah (U.S. Patent No. 6,470,397). Applicants respectfully traverse, but, in order to expedite issuance of the allowed claims 1, 3-6, 17, 19-22, 33, and 35-38, Applicants have cancelled rejected claims 7-10, 23-26, and 39-42. Applicants reserve the right to pursue claims 7-10, 23-26, and 39-42 in a continuing application.

In the Response to Arguments (Office Action, starting on page 2), the Examiner provided various responses to Applicants arguments. Although Applicants may not have specifically addressed or responded herein to issues/points raised by the Examiner in the Response to Arguments, this should not necessarily be viewed as constituting acquiescence by Applicants as to the correctness of some or all of the issues/points.

For example, in the Response to Arguments section, starting on page 2, in paragraph 5, the Examiner submits that the Applicant's Admitted Prior Art in the last four lines of the Background in the Specification discloses that it has been known to a person skilled in the art at the time the invention was made to have included failover handling by the miniport driver itself. The Examiner goes on to state that this combined with many of the cited and applied references would overcome various claims presently pending. It is not clear to Applicants what "overcome various claims presently pending" means. However, in light of amendments to cancel rejected

claims 7-10, 23-26, and 39-42 to expedite issuance of the allowed claims 1, 3-6, 17, 19-22, 33, and 35-38, Applicants will consider this moot at this time.

Conclusion

For all the above reasons, Applicants submit that the pending claims are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 50-0585.

The attorney of record invites the Examiner to contact her at (310) 553-7973 if the Examiner believes such contact would advance the prosecution of the case.

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